
KING COUNTY
OFFICE OF CITIZEN COMPLAINTS
TRIENNIAL REPORT
MAY – AUGUST 2005

Presented to the
Metropolitan King County Council

September 15, 2005

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INTRODUCTION

The Office of Citizen Complaints is required by code to report to the Metropolitan King County Council on the 15th of January, May, and September of each year on the activities of the Office for the preceding calendar period. KCC 2.52.150. This report summarizes Office activities for May 1 through August 31, 2005.

During the report period, the Office of Citizen Complaints received 717 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 33 complaint investigations, and completed 27 investigations.

BACKGROUND

The Office of Citizen Complaints – Ombudsman investigates complaints about the administrative conduct of King County executive branch agencies. In addition, the Ombudsman investigates alleged violations of the King County Employee Code of Ethics as well as reports of improper governmental action and retaliation under the Whistleblower Protection Code.

The mission of the Office is to promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

INQUIRY CLASSIFICATION

The Office of Citizen Complaints classifies citizen inquiries into three categories:

Information: Request for information or advice which may result in referral.

Assistance: Complaint resolved through staff-level inquiry and facilitation.

Investigation:¹ Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

Investigations involve independent factual research, including witness interviews, evidence collection and review, analysis of applicable laws, policies/procedures, standards, etc.

Investigations seek to determine if the complaint was supported or unsupported, and to resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes, or for legislative change. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.

Complainants, respondents, directors of administrative agencies, and other parties of records are provided with a report of our findings.

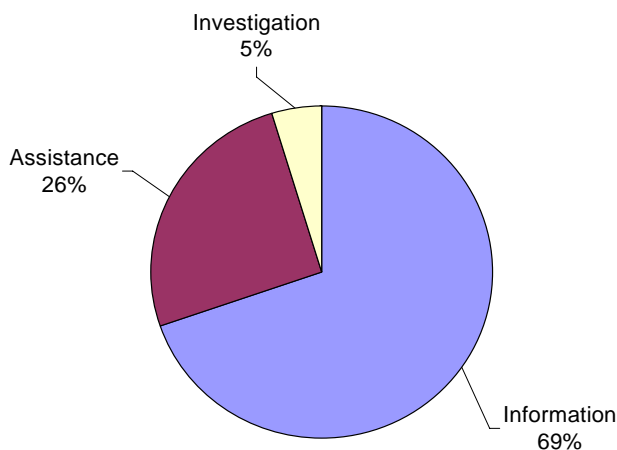
¹ Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

Table A
Total Inquiries Received
May – August 2005

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	73	47	10	130
Assessor	10	1	0	11
Boards and Commissions	0	0	0	0
Community and Human Services	9	1	3	13
Development and Environmental Services	15	9	4	28
District Court	14	3	0	17
Executive	10	0	0	10
Executive Services	38	9	2	49
Judicial Administration	7	0	0	7
Metropolitan King County Council	18	7	3	28
Natural Resources and Parks	6	3	2	11
Prosecuting Attorney's Office	2	2	1	5
Public Health	22	67	4	93
Sheriff's Office	28	10	2	40
Superior Court	12	1	0	13
Transportation	25	4	2	31
Non-jurisdictional ²	210	21	0	231
Total	499	185	33	717

Chart A
Disposition of Total Inquiries Received
May – August 2005



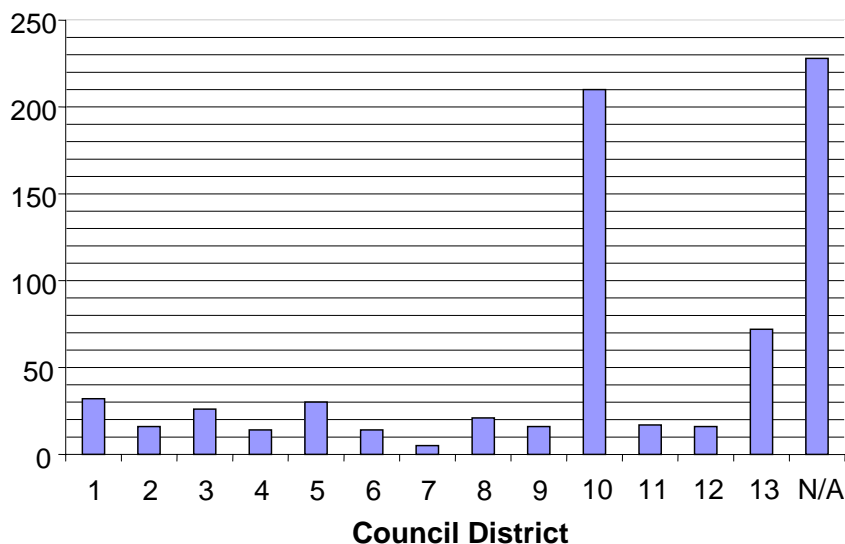
² The non-jurisdictional category represents contacts from non-jurisdictional city, state, federal, non-profit, or other private entities.

OMBUDSMAN STATISTICS

Table B
Inquiries by Council District
May – August 2005

District	Councilmember	Inquiries
1	Carolyn Edmonds	32
2	Bob Ferguson	16
3	Kathy Lambert	26
4	Larry Phillips	14
5	Dwight Pelz	30
6	Reagan Dunn	14
7	Pete von Reichbauer	5
8	Dow Constantine	21
9	Steve Hammond	16
10 ³	Larry Gossett	210
11	Jane Hague	17
12	David Irons	16
13 ⁴	Julia Patterson	72
N/A	Unavailable	228
Total		717

Chart B
Inquiries by Council District
May – August 2005



³ Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.

⁴ Inquiries for this district may be higher due to the number of calls from the Regional Justice Center.

COMPLETED INVESTIGATIONS⁵

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Complainant alleges being unfairly harassed and infringed by a number of officers; falsely accused of masturbating in the shower area; denied medically authorized shoes, had towel and blanket taken away; and never received responses to grievances filed.	Unsupported. Complainant was advised that review of department documentation showed that inmate discipline was appropriate; that all authorized items were verified and allowed; and responses to grievances were provided.
Complainant alleges excessive force used by a corrections officer at booking.	Unsupported. Evidence provided by medical records and witness statements did not support allegation of excessive force by corrections officers at booking.
Complainant alleges being harassed and receiving unfair treatment from a Corrections Officer, denied yard-out time, threatened with pepper spray, refused medical attention, and not receiving responses to grievances and kites.	Unsupported. Complainant was advised that a review of file documentation, witness statements, as well as the complainant's own testimony found that the allegations of Corrections Officer's unfair and harassing treatment, threats of pepper spray, denial of medical treatment and lack of response to kites and grievances were unsupported.
Complainant alleges receiving no response to grievances, being wrongly infringed, items have gone missing from cell after a shakedown, and not being allowed to file charges against another inmate for assault.	Unsupported. Complainant was advised that records show responses were made on grievances filed, infractions were well documented and appeals handled according to policy and procedure, there was no way to verify the missing items, and there were no witnesses to the assault but complainant was advised to contact the Seattle Police upon release from jail to file charges regarding an assault by another inmate.
Complainant alleges being unfairly infringed for not being properly clothed, making lewd remarks to staff, and filing grievances; being unfairly housed in Ad Seg, being verbally and physically assaulted by staff; not being provided with clean facilities, receiving another inmate's razor and not receiving responses to grievances.	Unsupported. Complainant was advised that allegations of being unfairly infringed for not being properly clothed, making lewd remarks to staff, and filing grievances; being unfairly housed in Ad Seg; being verbally and physically assaulted by staff; not being provided with clean facilities, receiving another inmate's razor and not receiving responses to grievances were unsupported.

⁵ Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Complainant alleges that trusties have been removed from the unit and Corrections Officers are refusing to provide cleaning rags and gloves to inmates to clean cell areas.	Unsupported. Complainant was advised that gloves and cleaning cloths are only provided to inmate workers and not the general inmate population for health, safety and security reasons. In addition while trusties are no longer housed in that area they do provide the usual cleaning services.
Complainant alleges that inmates are not provided with adequate cleaning supplies to keep cell areas clean.	Unsupported. Complainant was advised that gloves and cleaning cloths are only provided to inmate workers and not the general inmate population for health, safety and security reasons.
Complainant alleges excessive force by KCCF officers.	Unsupported. Department responded that both the complainant and staff members' reports were similar. However, the injuries sustained are consistent with being handcuffed and the staff acted appropriately within policy given the complainant's behavior. Based upon available evidence, Ombudsman staff concurred with the Department's conclusion.
Unnecessary force by DAJD Officers.	Unsupported. Ombudsman staff reviewed reports by classification, officers, and the supervisor, and discussed with complainant's attorney and prosecutor. There was no evidence to support that unnecessary force was used.
Inmate allegedly was attacked by officers during pre-booking process and a blood sample was taken without inmate's consent.	Unsupported. Ombudsman staff reviewed records involving arrest, transport, booking, and Jail Health services, and concluded that allegation inmate was attacked by officers during pre-booking process and a blood sample was taken without inmate's consent is unsupported.
Alleges conduct unbecoming an officer who used racial epithet with inmate.	Unsupported. Ombudsman staff reviewed Internal Investigations file. The Shift Commander found that the staff members' actions were within Department policy. The Internal Investigations Captain concurred with that finding. There was no evidence to support complainant's allegation of conduct unbecoming an officer.
Officers removed legal papers and medical records of inmate with pro se civil case.	Discontinued. Complainant filed motion regarding the confiscation of legal materials as part of federal lawsuit.
Excessive use of force.	Unsupported allegation but recommendations made regarding agency internal investigative practices and procedures. Identified, located, and interviewed witnesses. Reviewed agency investigative records, and conducted other needed factual and legal research and analysis. Produced written report containing formal findings, conclusion, and recommendations to agency.

Synopsis	Disposition
Excessive force by corrections officer.	Unsupported. Transmitted complaint to DAJD, reviewed DAJD's formal response, attempted to contact witnesses referenced by complainant, and provided detailed written explanation why evidence was not sufficient to support complainant's allegations.
Excessive use of force and improper administration of inmate property.	Unsupported allegation but recommendations made regarding agency internal investigative practices. Reviewed agency investigative records. Identified, located, and interviewed potential witnesses. Explained finding to complainant by letter. Provided findings and recommendations to agency by letter.
Excessive use of force.	Unsupported. Transmitted complaint to department, reviewed departmental response and underlying investigative file, and determined evidence was insufficient to sustain complainant's allegations. Notification to complainant not possible due to unknown whereabouts.
Corrections officers threatened and intimidated inmate.	Unsupported allegation but recommendations made regarding agency internal investigative practices. Reviewed agency investigative records. Identified and sought interviews with potential witnesses. Provided findings and recommendations to agency by letter.

DEPARTMENT OF COMMUNITY AND HUMAN SERVICES

Synopsis	Disposition
Alleges retaliation for reporting improper governmental action.	Complaint was transmitted to department director in accordance with KCC 3.42.060.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Complainant alleges that unfair and excessive charges were applied to building permit process.	Partially Supported. Complainant was advised that the partial fee waiver already granted was to acknowledge possible miscommunications that arose during the preliminary plat review. However, the balance of the fees have been determined to be reflective of the actual time spent by senior review staff in processing this permit and in keeping with fees for similar projects and no further fee waiver were under consideration.
Complainant alleges lack of response by the county to repeated reports of code violations involving a home occupation.	Unsupported. Complainant was advised that the initial investigation was extensive and that no additional information has been provided that had not already been previously reviewed.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
County not collecting unclaimed money held by the State Department of Revenue.	Resolved. This issue was brought to the Ombudsman Office in May 2000. At that time, Executive Internal Auditor and Acting Manager of Financial Management filed appropriate affidavits. Total amount recovered by the County in August 2000 was \$19,530.30. A July 2005 Seattle Times article reported that the County still had unclaimed money. Interim Director of Finance and Business Operations requested all funds held by state DOR and proposed to work with DOR to discuss ways of better identifying all the accounts that may be payable to the county and appropriate county fund sources.

METROPOLITAN KING COUNTY COUNCIL

Synopsis	Disposition
Ombudsman staff mishandled past inmate complaints.	Unsupported. Reviewed work of subordinates regarding past inmate complaints to this office and concluded that the work was satisfactory and staff responses to inmate were appropriate. Sent detailed written response to inmate regarding each allegation and request for relief.
Alleges comment made by member of Regional Police Committee constituted violation of ethics code. KCC 3.04.020.	Unsupported. There is no reasonable cause exists to believe that the Ethics Code has been violated.
Alleges use of county facilities for campaign purposes.	Declined. Ombudsman only has jurisdiction investigate alleged violations of ethics code against council. Complaint was insufficient for investigation under ethics code, and therefore declined.

SHERIFF'S OFFICE

Synopsis	Disposition
Complainant alleges 1) excessive force; 2) excessive Taser use; and 3) use of racial slur by Sheriff's Deputies.	Unsupported. Evidence, which included medical records, crime scene photographs, and witness statements, did not support claim of excessive force, excessive application of taser, nor use of racial slur by Sheriff's Deputies.
Complainant alleges \$100 administrative fee charged by Sammamish Police before tow company will release vehicle is in violation of authority allowed in contract agreement with Sheriff.	Unsupported. RCW 46.55.113(1) authorizes impounds for a DWLS/DUI arrest subject to terms and conditions of an applicable local ordinance. The City of Sammamish ordinance provides for the \$100 administrative fee.

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Alleges no action was taken by management in response to complaint of vandalism and harassment.	Unsupported. Appropriate action was taken by management. Supervisor assured complainant that any behavior that fostered a hostile work environment would not be permitted, and requested that complainant immediately report any further instances of vandalism.

TAX ADVISOR STATISTICS

The Tax Advisor Office provides advice and assistance to any person responsible for the payment of property taxes in King County. Tax Advisor staff respond to citizen inquiries regarding the valuation of property, local and state appeal processes, and the property tax computation and collection process.

CONTACT CLASSIFICATION

The Tax Advisor Office classifies taxpayer contacts into two categories:

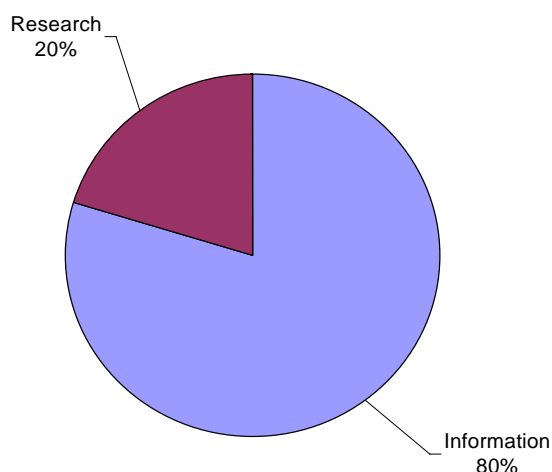
Information: Request for information or advice which may result database inquiry and/or referral.

Research: Sales survey, and/or inquiry and attempted resolution of taxpayer concerns related to assessments, taxes (billing/levies), property records and applicable tax codes.

Table C
Total Tax Advisor Contacts
May – August 2005

	Information	Research	Total
May	530	95	625
June	506	138	644
July	488	115	603
August	455	152	607
Total	1979	500	2479

Chart C
Total Tax Advisor Contacts
May – August 2005



SALES SURVEYS

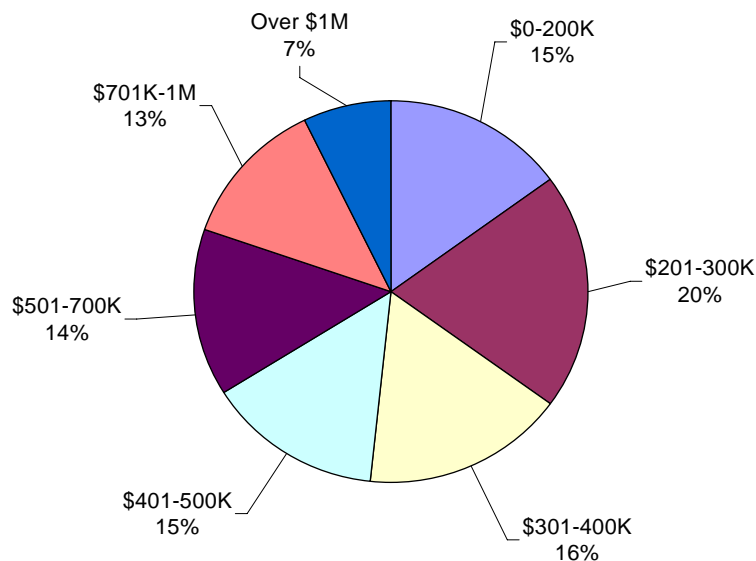
Sales surveys are produced using the Assessor's CompSales program to search for similar property characteristics. The Office reviews two years of previous sales in the plat or sub-area and a sales price range. The search can be refined by property characteristics such as view, waterfront, year-built, grade, and condition. A sales report is generated which provides the characteristics and sale prices of similar properties.

Sales surveys are useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal to the Board of Equalization.

Table D
Sales Surveys – Assessed Property Value
May – August 2005

Assessed Property Value	Sales Surveys
\$0-200K	69
\$201-300K	91
\$301-400K	75
\$401-500K	67
\$501-700K	64
\$701K-1M	57
Over \$1M	33
Total	456

Chart D
Sales Surveys – Assessed Property Value
May – August 2005



TAX ADVISOR STATISTICS

Table F
Tax Advisor Inquiries by Council District
May – August 2005

District	Councilmember	Inquiries
1	Carolyn Edmonds	242
2	Bob Ferguson	183
3	Kathy Lambert	225
4	Larry Phillips	189
5	Dwight Pelz	232
6	Reagan Dunn	187
7	Pete von Reichbauer	73
8	Dow Constantine	192
9	Steve Hammond	134
10	Larry Gossett	148
11	Jane Hague	162
12	David Irons	208
13	Julia Patterson	162
N/A	Unavailable	142
Total		2479

Table F
Inquiries by Council District
May – August 2005

